

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 2:21-CV-00034-JG

Lillie Brown Clark,)
as the Administrator)
of the Estate of Andrew Brown, Jr.,)
Plaintiff,)
v.)
Daniel Meads, et al.,)
Defendants.)

COMES NOW Plaintiff, by and through her undersigned counsel of record, and hereby respectfully files this Memorandum in Support of her Motion for Leave to File Supplemental Materials Regarding Approval of the Settlement as to the Minors' Proceeds Under the Settlement. The Plaintiff shows the Court the following:

Argument and Citation

Minors, because they are legally incompetent to transact business or give consent for most purposes, need responsible, accountable adults to handle property or benefits to which they are or become entitled. N.C. Gen. Stat. § 35A-1201(a)(6). Moreover, where minors are entitled to receive damages pursuant to the settlement of an action, such settlement must be approved by the Court, even though the minors are not parties to the action. See N.C. Gen. Stat. § 28A-13-3(23). The Plaintiff, Administrator for the Estate of Andrew Brown, Jr., has bound the minor children/beneficiaries of the Estate herein in the same manner as if such minor had consented to the settlement as an adult. Traditionally, the Federal District Courts in the Western District of North Carolina, have approved motions to approve settlement and the parties' settlement and release agreement under seal. See Garlock v. Am. Gen. Life Ins. Co., 1:17-cv-00264-MR-DLH (W.D.N.C. Jul. 27, 2018); Chambers v. Mega Mfg., Inc., 1:13-CV-232-MR-DLH (W.D.N.C. Aug. 5, 2015). The supplemental materials regarding approval of the settlement as to the minors' settlement proceeds under the settlement provisionally filed under seal at this, contains the following:

1. Declaration of the guardian ad litem appointed for purposes of the settlement as to the minors stating her position with regard to the settlement;
2. Declaration by the minors' mother;

3. The proposed annuity company's detailed structured settlement information that includes the minors' names, ages, dates of birth, and future distribution dates.
4. Detailed information on proposed trust company that will maintain the trust account on the behalf of the minors.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an order to seal the supplemental materials regarding approval of the settlement as to the minors' settlement proceeds under the settlement.

This 19th day of July 2022.

/s/ Harry M. Daniels
Harry M. Daniels
The Law Offices of Harry M. Daniels,
LLC
233 Peachtree St. NE Ste. 1200
Atlanta, GA 30303
Tel. 678.664.8529
daniels@harrymdaniels.com
Georgia Bar No.: 234158

Special Appearance of counsel for Plaintiff in the above-captioned matter, in accordance with Local Civil Rule 83.1(d).

/s/ Chantel Cherry-Lassiter
Chantel Cherry-Lassiter
CCL LAW OFFICE, PLLC
1851 W. Ehringhaus St. #136
Elizabeth City, NC 27909

Tel. 252.999.8380
Fax. 252.999.8381
chanelcherrylassiter@ccllaw.org
NC Bar No.: 54345

Local Counsel Rule 83.1(d) Counsel for Plaintiff.

/s/ Chance D. Lynch
Chance D. Lynch
LYNCH LAW, PLLC.
1015A Roanoke Ave. Suite A
Roanoke Rapids, NC 27870
Tel. 252.507.0110
Fax. 252.565.0102
chancellynch@lynchlaw.org
NC Bar No.: 39872

Local Counsel Rule 83.1(d) Counsel for Plaintiff

/s/ Bakari T. Sellers
STROM LAW FIRM
6923 N. Trenholm Road
Columbia, SC 29206
Tel. 803.252.4800
bsellers@stromlaw.com
South Carolina Bar No.: 79714

Special Appearance of counsel for Plaintiff in the above-captioned matter, in accordance with Local Civil Rule 83.1(d).

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2022, I electronically filed the foregoing Memorandum in Support of her Motion for Leave to File Supplemental Materials Regarding Approval of the Settlement as to the Minors' Proceeds Under the Settlement with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

Christopher J. Geis
Womble Bond Dickinson (US) LLP
One West Fourth Street
Winston Salem, NC 27101
336-721-3543
Fax: 336-726-2221
Email: Chris.Geis@wbd-us.com

Ripley Eagles Rand
Womble Bond Dickinson (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27602
919-755-8125
Fax: 919-755-6752
Email: Ripley.Rand@wbd-us.com

Sonny S. Haynes
Womble Bond Dickinson (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 721-3600
Email Sonny.Haynes@wbd-us.com

Dan McCord Hartzog , Jr.
Hartzog Law Group LLP
2626 Glenwood Avenue, Suite 305
Raleigh, NC 27608

919-480-2450
Fax: 919-480-2450
Email: dhartzogjr@hartzoglawgroup.com

Katherine Barber-Jones
Hartzog Law Group LLP
2626 Glenwood Avenue, Suite 305
Raleigh, NC 27608
919-424-0091
Fax: 919-424-0091
Email: kbarber-jones@hartzoglawgroup.com

Frederick Hughes Bailey, III
Sumrell Sugg
416 Pollock Street
New Bern, NC 28560
252-633-3131
Fax: 252-633-3507
Email: fbailey@nclawyers.com

Ryan David Eubanks
Sumrell Sugg
416 Pollock Street
New Bern, NC 28560
252-633-3131
Fax: 252-633-3507
Email: reubanks@nclawyers.com

Scott C. Hart
Sumrell Sugg
416 Pollock Street
New Bern, NC 28560
252-633-3131
Fax: 252-633-3507
Email: shart@nclawyers.com

Norwood P. Blanchard , III
Crossley McIntosh Collier Hanley & Edes, PLLC
5002 Randall Parkway
Wilmington, NC 28403

910-762-9711
Fax: 910-256-0310
Email: norwood@cmclawfirm.com

/s/Harry M. Daniels
Harry M. Daniels
The Law Offices of Harry M. Daniels, LLC
233 Peachtree St. NE, Ste. 1200
Atlanta, GA 30303
Tel. 678.664.8529
Fax. 800.867.5248
daniels@harrymdaniels.com
Georgia Bar No.: 234158